

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA

**U.S.A. vs. Christopher Ashton Schwarz**

**Docket No. 5:15-CR-65-1H**

**Petition for Action on Supervised Release**

COMES NOW C. Lee Meeks, Jr., U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Christopher Ashton Schwarz, who, upon an earlier plea of guilty to Making a False Statement in Connection With the Acquisition of a Firearm, in violation of 18 U.S.C. § 922(a)(6) and 18 U.S.C. § 924(a)(2), was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge, on July 7, 2015, to the custody of the Bureau of Prisons for a term of 24 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 3 years.

Christopher Ashton Schwarz was released from custody on May 12, 2017, at which time the term of supervised release commenced.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:** On May 16, 2017, the defendant submitted to urinalysis that returned positive for Oxycodone/Oxymorphone. On July 17, 2017, the defendant submitted to urinalysis that returned positive for Morphine. When confronted with the violations, Schwarz signed an Admission of Drug Use Form acknowledging the validity of each drug test result. Since that time, the defendant received a substance abuse assessment at PORT Health Services in New Bern, North Carolina. Additionally, he has been participating in individual substance abuse counseling. The probation officer recently attended a staffing with Schwarz's counselor at PORT who explained they are determining if the defendant is appropriate for the substance abuse intensive outpatient treatment program or their Suboxone treatment program. Since the drug test on July 17, 2017, subsequent urinalysis collected through the Surprise Urinalysis Program have returned negative for controlled substances.

As the court is aware, Schwarz struggled with prescription medication/heroin abuse prior to his federal incarceration. Schwarz has been honest with the probation officer and counselor regarding his prescription medication abuse. The defendant recently obtained full-time employment with A-1 Tree, Inc., located in New Bern, North Carolina. Additionally, his parents separated, and Schwarz relocated to a rental home with financial support from his father.

The conditions of supervised release include the DROPS sanction. As the result of Schwarz testing positive twice, he is subject to 7 days custody. However, in consideration of his participation with substance abuse treatment and him having recently obtained full-time employment, the probation officer respectfully recommends the 7 day jail sanction be substituted with 30 days home confinement, with electronic monitoring. It is recommended the defendant pay the costs associated with monitoring. Should the defendant test positive for controlled substances in the future, he will remain subject to the graduated sanctions of DROPS.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 30 consecutive days. The defendant shall be restricted to residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer. The defendant must pay all of the cost of the program. The term of home confinement will be in lieu of the 7 days DROPS sanction Schwarz was exposed to as the result of testing positive for controlled substances on May 16, 2017, and July 17, 2017. Schwarz is assigned to the third response level of the DROPS program.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,


I declare under penalty of perjury that the foregoing  
is true and correct.

/s/ Robert L. Thornton  
Robert L. Thornton  
Supervising U.S. Probation Officer

/s/ C. Lee Meeks, Jr.  
C. Lee Meeks, Jr.  
U.S. Probation Officer  
200 Williamsburg Pkwy, Unit 2  
Jacksonville, NC 28546-6762  
Phone: 910-346-5105  
Executed On: September 28, 2017

**ORDER OF THE COURT**

Considered and ordered this 9<sup>th</sup> day of October 2017, and ordered filed and  
made a part of the records in the above case.

  
Malcolm J. Howard  
Senior U.S. District Judge

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**FOR JUDGE'S VIEW ONLY**

**DO NOT FILE**



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